STATE OF VERMONT

HUMAN SERVICES BOARD

In re)	Fair	Hearing	No.	19,208
)				
Appeal of)				

INTRODUCTION

The petitioner appeals a decision by the Department of Children and Families Economic Services (DCF) imposing copayments for various services covered by Medicaid. The following facts are not in dispute.

FINDINGS OF FACT

- 1. The petitioner is a single fifty-three-year-old woman who receives Medicaid based on disability. Her sole income is \$616 a month in SSI benefits. She has several pharmacy prescriptions and makes frequent clinical visits. Although these services are covered by Medicaid, she maintains that she cannot afford the co-payments she incurs for them.
- 2. In addition to the petitioner's basic living and medical expenses, she has special dietary needs and she keeps a "service animal" (a dog) for companionship.

ORDER

The Department's decision is affirmed.

REASONS

The Medicaid regulations impose patient "cost sharing" payments for various medical services. W.A.M. § M103.2 C.

Included in the regulations are co-payments of between \$1 and \$3 for prescriptions, \$3 for outpatient hospital services, and \$75 for the first day of any hospitalization. *Id*. There are no exceptions in the regulations based on individual circumstances.

Although these payments are undoubtedly difficult for the petitioner, it appears that the Department has acted pursuant to the pertinent regulations. As such, the Board is bound to affirm the decision. 3 V.S.A. § 3091(d), Fair Hearing Rule 17.

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¹ At the hearing (held on August 18, 2004) the petitioner also took issue with the amount of her Food Stamps (currently \$12 a month). Although the Department appears to have correctly calculated her Food Stamps based on her income and reported shelter expenses, the petitioner may also be able to deduct out-of-pocket medical expenses. She should immediately bring any such expenses to the attention of her worker. If she disagrees with the Department's determination as to whether any of these expenses qualify as a deduction from her income in calculating the amount of her Food Stamps, she can appeal that decision to the Board.